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of the band. These container assemblies in combination with blast mitigating material located therein can withstand tremendous pressures and resist pulling apart after an explosion within the container assembly.

Claims 1, 3-6, 8, 10, 11, 13, 20-28, 30, 33-43, 45, 47, 51 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sacks (USP 5,249,534) in view of MacDonald et al. (USP 3,822,807). Applicants respectfully traverse this rejection and request its withdrawal for the reasons that follow. It is the Examiner's position that Sacks discloses the claimed invention except for the blast mitigating material. This is not so.

The blast resistant container assembly of Applicants' claims 1, 3-6, 8, 10, 11, 13, 20-28 and 30 all comprise a collapsible container and blast mitigating material. The collapsible container of claims 1, 3-6, 8, 20-28 and 30 is formed of blast resistant material. The collapsible container of claims 10-11, 13, 47 and 51-52 is at least partially formed of blast resistant material. Sacks fails to teach a collapsible container or a container of blast resistant material; rather, Sacks teaches a protective cover for a standard, non-collapsible container.

The container of claims 10-11, 13, 33-43 and 45 all require the presence of a plurality of bands, oriented relative to one another so as to substantially enclose a volume. "Band" is defined on page 9, lines 10-11, as "a thin, flat, volume-encircling strip." The panels of material described by Sacks at col. 1, lines 65-68, and col. 1, line 68, to col. 2, line 4, are not "bands" as defined by Applicants since they are U-shaped panels that fail to encircle anything individually. In fact, Sacks teaches use of these panels in forming a cover for a container, and there is no coverage for the container's base. As such, the Sacks' panels also fail to substantially enclose a volume, as required by Applicants' claims.

With respect to Applicants' claims 21 and 36, Sacks fails to teach or suggest that at least about 75 weight percent of the fibers should be substantially continuous lengths of fiber that encircle anything, much less an enclosed volume. See Applicants' Examples 6 and 9. Further with respect to Applicants' claims 22, 24 and 37, Sacks fails to teach or suggest that substantially all of the fibers are continuous lengths of fiber that encircle the enclosed volume. See Applicants' Example 15

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MacDonald et al. fails to supply the deficiencies of Sacks. There is nothing in MacDonald et al. that teaches or suggests the collapsible container of blast resistant material claimed by Applicants; rather, MacDonald et al. teaches the use of reticulated foam balls as explosion suppressing means in ullage-containing containers. This, in and of itself, will not make the standard container disclosed by Sacks effective to withstand a blast. In this regard note Applicants' Examples 11-16 and accompanying discussion. Example 11 shows that aqueous foam not only mitigates blast, but also prevents fire. Examples 12-16 show that the aqueous foams (blast mitigating material) play a critically important role in providing blast protection, providing protection against explosive charges weighing two to four times that of what can be contained without foam.

Claims 1, 3-4, 7, 9, 20, 23, 27, 29, 31, 33, 35, 38, 42, 44, 46-47 and 53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sacks in view of Gettle et al. Applicants respectfully traverse this rejection and request its withdrawal for the reasons that follow.

The prior discussion with respect to Sacks is incorporated here. Gettle et al. teaches the use of aqueous foams as a pressure attenuation medium for shock waves in a porous container. There is nothing in Gettle et al., however, that teaches or suggests the collapsible container of blast resistant material claimed by Applicants. In this regard, again note Applicants' Examples 11-16 and accompanying discussion. Example 11 shows that aqueous foam not only mitigates blast, but also prevents fire. Examples 12-16 show that the aqueous foams (blast mitigating material) play a critically important role in providing blast protection, providing protection against explosive charges weighing two to four times that of what can be contained without foam.

Claims 14-19 stand rejected under 35 USC 103(a) as being unpatentable over Sacks in view of MacDonald et al., as applied to claim 11 above, and further in view of Lewis (USP 674,009). Applicants respectfully traverse this rejection and request its withdrawal for the reasons that follow.

The prior discussion with respect to Sacks and MacDonald et al. is incorporated here. The Examiner suggests that the container of Sacks, modified in

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accordance with MacDonald et al., discloses the claimed invention except for the first and second bands being tubes, and that Lewis supplies this deficiency. Applicants disagree. First, Sacks fails to disclose first and second bands, much less that these bands are tubes. MacDonald et al. fails to supply this deficiency. Lewis discloses that it is known in the art to construct a knockdown paper container from three separate paper bands. There is absolutely no motivation to combine Lewis, which relates to knockdown paper containers, with MacDonald et al. and Sacks. One of ordinary skill in the art would not look to turn of the Twentieth century paper box technology for solutions to blast containment/resistance.

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Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sacks in view of MacDonald et al. and Lewis. Applicants respectfully traverse this rejection and request its withdrawal for the reasons previously set forth with respect to Sacks, MacDonald et al. and Lewis, i.e., there is no motivation to combine these references.

On the basis of the preceding remarks, it is submitted that the claims presently on file should be passed to issue; Applicants respectfully request same.

Respectfully submitted,  
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I hereby certify that this correspondence is being sent via facsimile 703-305-3579 to Examiner Niki Eloschway, on August 27, 2002.

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